

**DETAILED COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE
FEDERAL ENERGY REGULATORY COMMISSION
GULF CROSSING NATURAL GAS PIPELINE PROJECT**

Wetland Impacts and Associated Mitigation

The National Environmental Policy Act (NEPA) requires that resources examined for potential impacts include those potentially subject to direct, secondary and cumulative impacts. In analyzing the potential for impacts under NEPA, the Federal Energy and Regulatory Commission (FERC) must examine all wetlands and other aquatic resources in the project area, not just those considered to be “jurisdictional” for permitting purposes by the Corps of Engineers.

In permit actions under Clean Water Act (CWA) Section 404, however, the EPA Guidelines promulgated under Section 404(b)(1) require specific sequencing of mitigation efforts for proposed impacts to wetlands and other waters. Therefore, the applicant should select the alignment that poses the least damaging practicable alternative. All efforts to minimize impacts must be undertaken and all remaining unavoidable impacts must have compensation.

EPA recommends full compensation for unavoidable impacts to all wetlands including isolated wetlands or other non-jurisdictional aquatic resources. Although this would result in more wetland protection than legally required, this approach would still be entirely consistent with the intent and goals of NEPA.

Since there will be many stream and wetland crossings, we can only make general recommendations at this time to minimize impacts. However, we understand a field trip to some seven crossing sites was taken at the request of the Louisiana Department of Wildlife Fisheries (LDWF) and we request that specific modifications be made as determined necessary by the LDWF. The following comments are now being offered:

1. We are pleased that plans show that topsoil will be separated from subsoil as the trench is dug (p. 2-12) to be used again as topsoil in the restoration, and that the disturbed area will be narrowed through wetland areas. We are also pleased that horizontal directional drilling will be used in some cases to avoid impacts (p. 2-23), and recommend its use at all perennial streams and high quality wetlands.

2. During restoration, desirable native wetland plants should be planted in wetland areas. Areas to be disturbed may be a source of material (seedlings, sprigs and seeds) for restoration if species are desirable (e.g. sedges, arrowhead, oaks, bald cypress, tupelo). Forested wetlands that will be permanently cleared by the project will need off-site compensation.

3. EPA asks that you minimize impacts to riparian corridors, especially forested areas and

creek banks (soil and vegetation). Stabilize and replant disturbed banks as soon as construction at that point is finished.

4. All best management practices should be used to minimize erosion of banks and bare soil, and siltation of streams. Bare soil should be stabilized and revegetated as soon as possible. Hay bales and silt fences should be inspected and repaired as needed after each rainfall event that creates runoff. All silt fences should be parallel to contours. Long and steep slopes may need multiple rows of fencing.

5. Wetlands or forested floodplain should not be used for staging or storage areas. The Final EIS should explain how FERC will ensure that the constructions, mitigations, and operations will be carried out as permitted. For example, the FEIS should explain how FERC will monitor, and ensure that needed modifications over time are made and in a timely manner. A concern we have is that FERC would propose to allow “up to a year” for a needed modification to be made; this is a time allowance that may be excessive.

EPA may have additional comments if a public notice is issued for the Section 404 permit application(s). If you have any questions, please contact EPA regional wetland program staff, Mr. Norm Sears, at 5-8336 or Ms. Jeanene Peckham at 5-6411 for further assistance.

Air Quality

1. FERC presents national ambient air quality standards (NAAQS) modeling results in Table 3.11.1-8 (page 3-137) for the Harrisville compressor station. Results are presented for Particulate Matter (PM)_{2.5}, but no results are presented for PM₁₀ even though there is a PM₁₀ NAAQS as listed in Table 3.11.1-1 (page 3-127). NAAQS modeling results for PM₁₀ should be provided. Please address in the FEIS.

2. On page 3-128, FERC states that “Air Quality Control Regions (AQCR)s are categorized as Class I, Class II, or Class III” with reference to prevention of significant deterioration (PSD) area classifications. These classifications are not made on the basis of AQCR boundaries. EPA recommends changing the sentence to read “Areas of the U.S. are categorized as”

3. On page 3-128 thru 129, FERC states the following: “Special analysis may be done for any sources within 100 kilometers (62 miles) of any Class I area. There are no Class I areas located within 62 miles of any of the proposed compressor station locations.” The concept of an official 100-km cutoff distance from PSD Class I areas is not correct. The distance at which a Class I area impact analysis may be required depends on the types and quantities of the pollutants emitted from a project and on the air quality related values of the specific Class I areas that could be potentially affected. In some cases, project impacts on a Class I area must be assessed even at distances much greater than 100 km. We recommend deleting the two sentences quoted above and replacing them with the following: “Given the types and quantities of the emissions from the compressor stations involved in the proposed project and the distance to the nearest Class I area, no

adverse impacts on Class I areas is expected.”

4. We recommend replacing the first sentence of the paragraph on page 3-128 beginning “None of the new facilities or additions to existing facilities” The recommended replacement is as follows: “The major source emissions threshold for Prevention of Significant Deterioration (PSD) permitting purposes is 100 tons per year (tpy) or 250 tpy of any regulated NSR pollutant depending on source category. The PSD major source threshold for the facilities in this project is 250 tpy. None of the new facilities or modified existing facilities would exceed emissions of 250 tpy of any regulated NSR pollutant.”

5. Related to its conclusion on page 3-128 that PSD permitting is not applicable to the modification of the Harrisville compressor station, no modeling was performed to assess compliance with PSD increments. However, even if the existing Harrisville compressor station is not a PSD major source and the proposed change to the station is not a PSD major modification in and of itself, the proposed emissions increases could still consume PSD increments. Increment consumption occurs for new minor sources and minor modifications if the minor source baseline date has been established prior to the construction of the new minor source or minor modification. For completeness sake, FERC might wish to compare modeling results for Harrisville NO_x emissions increases to the PSD Class II increment for NO₂. (Emissions increase for SO₂ and PM₁₀ are probably low enough that modeling is unnecessary.) This is merely a suggestion. FERC can use its discretion in deciding what to do with the suggestion.

On page 3-133, FERC discusses title V permitting and states that the Harrisville compressor station “would require” a title V permit. However, according to the information in this paragraph and in Table 3.11.1-2 (page 3-129), emissions from the existing station already exceed the major source thresholds requiring a title V permit. Has a title V permit already been issued for the Harrisville compressor station? If so, then the proposed additional emissions units (especially the turbines) will most likely trigger the need for a title V permit modification. We have a related question that applies to the first paragraph on page 3-134 in which FERC states that the “Harrisville Compressor Station modification will be permitted with MDEQ as a revision to a new major source.” Did FERC mean a revision to an existing major source?

Socioeconomic and Environmental Justice (EJ) Comments

Overall, the project identifies the population demographics in the counties relative to the state average. While there are significant EJ populations, within at least two out of three counties in the project area, there does not appear to be substantive EJ concerns within 50 feet of the project Right-of-way. However, it is unclear whether there are EJ concerns related to the loss of forested or agricultural lands used for subsistence living.

Demographics: The project will cross three counties in Mississippi (Hinds, Copiah, and Simpson) with at least 17.8 miles in Region 4. Both Hinds (66%) and Copiah (52.6%) counties have minorities and that exceed the state average of 36.9% and Simpson County (36.3%) is similar to the state average (36.3%)(pg. 3-111). All three counties, Hinds (20.5), Copiah (21.2%) and

Simpson (19.7%) have low-income populations that slightly exceed the state average (18.3%). The DEIS identifies EJ populations at a county wide-level and compares them to the State Average. EPA asks that the FEIS include information regarding the census tracts that will be traversed by the pipeline corridor to ensure that potential EJ pockets are identified and to ensure appropriate public participation.

Public Involvement: The county level information indicates that the project crossed at least two out of three potential EJ Counties. FERC should consider innovative approaches to overcoming barriers to public participation in project areas with substantial EJ populations or pockets of EJ within the proposed census tracts in Mississippi. EPA read sections 3-9 and 5.1.9; specific measures to ensure appropriate EJ population participation are not incorporated in this section. EPA recommends that FERC provide a description in the counties or census tracts in Mississippi with elevated EJ populations. EPA recommends that FERC examine EJ guidance documents that discuss strategies for engaging EJ populations in the NEPA process (<http://www.epa.gov/compliance/resources/policies/nepa/index.html>). These strategies should be documented in FEIS and used as part of public participation process. While there does not appear to be any residences within 50 feet of the construction site in the MS Counties, there may be other EJ impacts due to land use changes to subsistence farmlands, hunting, and/or recreational areas.

Missing Information: The DEIS does not indicate which MS county is involved in the crossing from Madison, LA into Hinds county. The missing links are not explained in the DEIS. It is unclear from DEIS figures and text if there is an existing pipeline section or one planned between these termini.

Utility Corridor: Approximately 230.7 miles of the 353.2 mile natural gas pipeline, follows an existing utility corridor. There appears to be 60 acres of existing pipeline right of way in Mississippi. Does this mean that there is an additional need to acquire an additional 196 acres of ROW to complete the MS section? (Table 3.8.1-2)

Impacts: Construction of the MS pipeline and additional temporary work space would impact 256 acres, 13.6 percent agricultural, 63.5 percent forest lands, and 14.3 percent open land. Approximately 129.5 acres and 213 acres of land will be permanently and temporarily encumbered by the Mississippi Loop right away during operation, respectively. The proposed project will affect 63.5% and 68.2% of forested lands resulting for the project construction and operation, respectively. This percentage is greater than Mississippi's state average of 55%. How are these losses going to be addressed? Additionally, the Harrisville Compressor Station is located 5 miles northwest of Harrisville in Simpson County, MS. The land surrounding the site consists primarily of forest and the nearest noise sensitive site is a wilderness camp located 2600 ft away. It is unclear how far a noise receptor has to be to avoid any potential noise impacts from the proposed project. The FEIS should identify if there are any residences in the area that could be affected by construction noise and potential air emissions from the compressor stations. Please address this concern in the FEIS.

